

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION

UNITED STATES OF AMERICA)
)
)
v.) Case No. 1:20-cr-00050
)
KATHLEEN D. LITTLEFORD)

DEFENDANT'S MOTION FOR DEPARTURE AND/OR VARIANCE

Now comes the defendant, Kathleen D. Littleford, by counsel, and for her motion states as follows:

1. The defendant was a minimal or minor participant in the criminal activity and her offense level should be decreased pursuant to U.S.S.G. § 3B1.2. Under Application Note 3(A), a defendant who is accountable for a loss amount that greatly exceeds the defendant's personal gain from a fraud offense may receive an adjustment under these guidelines. Here, except for one use of a debit card to make purchases at Food City and Dollar General in June 2020 (PSR ¶ 39), the defendant received little personal gain (probably less than \$50.00) relative to the loss amount.

2. A departure is warranted because of the defendant's age pursuant to U.S.S.G. § 5H1.1. The defendant, at age 76, is elderly and another form of punishment such as house confinement would be equally efficient and less costly than incarceration, especially during the Covid-19 pandemic.

3. The defendant moves this court to grant a variance outside the guideline range based on a consideration of the factors set forth in 18 U.S.C. § 3553(a), to-wit:

(a) Defendant's criminal history. The defendant is 76 years of age and has no other criminal history.

(b) Characteristics of the defendant. The defendant is an older American, widowed and lives alone and is especially susceptible to being scammed by a predator, which is what happened here.

(c) Need to protect the public from further crime. It is reasonable to infer that there is no risk that the defendant will commit further crimes since she has no criminal history.

(d) The kinds of sentences that are available. The public would be protected by a term of supervised release for the defendant. This would allow the defendant to protect her home.

(e) It is noted that the government does not object to a sentence of probation. *See Plea Agreement ¶ 2 (ECF No. 3).*

WHEREFORE, your defendant moves this Court to grant a departure and/or variance and sentence her to a term of probation.

KATHLEEN D. LITTLEFORD
- by counsel -

/s/Daniel R. Bieger

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CERTIFICATE OF SERVICE

I, Daniel R. Bieger, Esq., do hereby certify that on the 8th day of March, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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